



June 1995 Grand Jury

UNITED STATES OF AMERICA, ) CR SA 95 *125 LHM*  
Plaintiff, ) I N D I C T M E N T  
v. ) [18 U.S.C. § 1344(1): Bank  
HUU TRAN ) Fraud; 18 U.S.C. § 2(b):  
Defendant. ) Causing an Act to be Done;  
              ) 18 U.S.C. § 982: Criminal  
              ) Forfeiture]  
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15      The Grand Jury charges:  
16      [18 U.S.C. § 1344(1), 18 U.S.C. § 2(b)]  
17      I. The Scheme To Defraud  
18      1. Beginning on or about October 1993, and continuing to on or  
19      about March 1994, in Orange County, within the Central District of  
20      California, defendant HUU TRAN knowingly and willfully executed a  
21      scheme to defraud and obtain moneys and funds under the custody and  
22      control of several financial institutions ("the victim banks"), the  
23      deposits of which were federally insured, by means of false and  
24      fraudulent pretenses, representations and promises, and the  
25      concealment of material facts.  
26      2. The scheme to defraud was carried out, in part, as follows:  
27      JPW:mrg  
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1                   a.    Defendant HUU TRAN obtained credit card accounts from  
2 numerous financial institutions, some of which are identified herein  
3 as victim banks.

4                   b. Defendant HUU TRAN submitted payments, in the form of  
5 checks, to the victim banks, knowing that the checks were drawn on  
6 closed accounts or accounts with insufficient funds. In most  
7 instances, the checks issued to the victim banks were in amounts which  
8 far exceeded the defendant's credit limit. However, since the victim  
9 banks were unaware that the checks were not valid, the victim banks  
10 duly posted the payments which in turn permitted the defendant to make  
11 purchases and cash advances up to the amount of the defendant's  
12 purported payment.

13                   c. Defendant HUU TRAN then used his credit card accounts  
14 to obtain cash advances and/or conduct purchases of merchandise  
15 through the use of his credit cards. The cash advances and purchases  
16 would often far exceeded the defendant's credit limit. In reliance on  
17 the validity of the fraudulent checks submitted by the defendant as  
18 payment on the credit card account, the cash advances and purchases  
19 were authorized by the victim banks. Accordingly, the victim banks  
20 honored all cash advances and purchases which did not exceed the  
21 amount of the fraudulent check(s), even though the cash advances and  
22 purchases far exceeded his credit limit.

23                   d. Thereafter, the checks submitted by defendant HUU TRAN  
24 to the victim banks were returned to the victim banks unpaid, because  
25 the checks were drawn against insufficient funds or the accounts on  
26 which the checks were drawn had been closed.

## II. Execution of the Scheme to Defraud

3. On or about the dates set forth below, within the Central District of California, defendant HUU TRAN, in execution of the scheme to defraud and to obtain moneys and funds under the custody and control of the victim banks by false and fraudulent pretenses, representation, and promises, knowingly submitted the following fraudulent payments and caused the following losses to the victim banks:

**COUNT II**

<u>CREDITOR</u>	<u>DATE</u>	<u>FRAUDULENT PAYMENT</u>	<u>FRAUDULENT PURCHASES</u>
FCC NAT'L BANK/ FIRST CARD	12/20/93	\$6,341.98	
VISA 4678 061 819 131	12/25/93		\$994.99
	12/25/93		\$994.99
	12/25/93		\$994.99
	12/25/93		\$994.99
	12/25/93		\$994.99
	12/25/93		\$424.99
	12/25/93		\$994.99
	12/25/93		\$985.75
	12/26/93	\$6,341.98	
	12/26/93	\$6,341.98	
	12/28/93		\$988.99
	12/28/93		\$994.99
	12/28/93		\$524.99
	12/28/93		\$988.99
	12/28/93		\$989.99
	12/28/93		\$992.30
	12/31/93		\$424.99
	12/31/93		\$419.75

	<u>CREDITOR</u>	<u>DATE</u>	<u>COUNT II</u>	<u>FRAUDULENT PAYMENT</u>	<u>FRAUDULENT PURCHASES</u>
1	BANK OF AMERICA MC 5432 2572 0233 6999	12/21/93	\$2,272.18		
2		12/24/93		\$987.75	
3		12/25/93		\$212.99	
4		12/25/93		\$994.99	
5		12/28/93	\$4,544.36		
6		12/29/93		\$520.99	
7		12/29/93		\$992.30	
8		12/31/93		\$733.99	
9		1/18/94	\$6,971.96		
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10	BANK OF NEW YORK VISA 4253 3025 3337 1627	12/27/93	\$2,542.08		
11		12/28/93		\$994.99	
12		12/28/93		\$994.99	
13		12/29/93		\$474.99	
14		12/31/93	\$2,542.08		
15		12/31/93	\$2,542.08		
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16	NATIONSBANK MC 5342 1300 0148 5243	12/21/93	\$7,500.00		
17		12/25/93		\$301.00	
18		12/25/93		\$991.99	
19		12/25/93		\$994.99	
20		12/25/93		\$994.99	
21		12/25/93		\$994.99	
22		12/25/93		\$994.99	
23		12/25/93		\$994.99	
24		12/25/93		\$994.99	
25		12/25/93		\$994.99	
26		12/28/93	\$7,500.00		
27		12/28/93	\$7,500.00		
28		12/29/93		\$522.99	
		12/29/93		\$994.99	
		12/29/93		\$994.99	
		12/29/93		\$994.99	
		12/29/93		\$994.99	
		12/29/93		\$994.99	
		12/29/93		\$987.75	
		12/31/93		\$301.00	
		12/31/93		\$424.99	
		12/31/93		\$419.75	

1 FORFEITURE

2 [18 U.S.C. § 982]

3 5. The allegations of Count One of this indictment are  
4 realleged and fully incorporated herein for the purpose of alleging  
5 forfeitures to the United States of America pursuant to the provisions  
6 of Title 18, United States Code, Section 982.

7 6. As a result of the offense alleged in Count One, defendant  
8 HUU TRAN shall forfeit to the United States of America all property,  
9 real and personal, involved in the aforesaid offenses and all property  
10 traceable to such property, including but not limited to the following  
11 property:

12 a. Approximately \$35,508.01 in United States currency and  
13 all interest and proceeds traceable thereto, in that such sum in  
14 aggregate is property that was involved in the aforestated offense or  
15 is traceable to such property, in violation of Title 18, United States  
16 Code, Section 1344.

17 b. If any of the property described above as being subject  
18 to forfeiture, as a result of any act or omission of defendant HUU  
19 TRAN:

- 20 i. cannot be located by the exercise of due diligence;
- 21 ii. has been transferred, or sold to, or deposited with, a third  
22 person;
- 23 iii. has been placed beyond the jurisdiction of this court;
- 24 iv. has been substantially diminished in value; or
- 25 v. has been commingled with other property that cannot be  
26 subdivided without difficulty;

1 it is the intent of the United States of America, pursuant to Title  
2 18, United States Code, Section 982(b)(1) to seek forfeiture of any  
3 other property of said defendant up to the value of the above  
4 forfeitable property, that is, \$35,508.01 in United States currency.

5 A TRUE BILL  
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7   
Foreperson

8 NORA M. MANELLA  
9 United States Attorney

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RICHARD E. DROYAN  
11 Assistant United States Attorney  
Chief, Criminal Division

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13 JAMES P. WALSH, JR.  
14 Assistant United States Attorney  
Chief, Organized Crime Strike Force

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